

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JORGE SAUCEDO,

Plaintiff,

-against-

ON THE SPOT AUDIO CORP., d/b/a ON THE
SPOT MOTO, and OSCAR TORRES,

Defendants.
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NOT FOR PUBLICATION
ORDER
16-CV-451 (CBA) (CLP)

AMON, United States District Judge:

Plaintiff Jorge Saucedo brings this action against defendants On the Spot Audio Corp., d/b/a On the Spot Moto, and Oscar Torres, seeking unpaid overtime and minimum wages pursuant to the Fair Labor Standards Act of 1938, 28 U.S.C. § 201 et seq. (“FLSA”), and the New York Labor Law, N.Y. Lab. Law § 650 et seq. (“NYLL”), as well as unpaid spread of hours wages and damages stemming from defendants’ unlawful retention of gratuities and failure to comply with the wage notice requirements of the NYLL. None of the defendants have appeared in these proceedings, and the Clerk of Court noted the default of the defendants on May 18, 2016. (D.E. # 11). Plaintiff moved for a default judgment against the defendants on June 2, 2016, (D.E. # 13), and on June 16, 2016, the Court referred the motion to Magistrate Judge Cheryl L. Pollak for a Report and Recommendation (“R&R”). (D.E. dated June 16, 2016.) Magistrate Judge Pollak issued a thorough and well-reasoned R&R recommending granting the plaintiff’s motion for a default judgment. (D.E. # 17.)

No party has objected to the R&R, and the time for doing so has passed. When deciding whether to adopt a report and recommendation, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). To accept those portions of the R&R to which no timely objection has been made, “a

district court need only satisfy itself that there is no clear error on the face of the record.” Jarvis v. N. Am. Globex Fund, L.P., 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (internal quotation marks and citation omitted).

The Court has reviewed the record and, finding no clear error, adopts the R&R as the opinion of the Court. Accordingly, the Court grants the plaintiff’s motion for default judgment. The Clerk of Court is directed to enter judgment against the defendants, jointly and severally, and in favor of the plaintiff: \$141,045.73 in damages and interest, and \$11,266 in attorney’s fees and costs. The Clerk of Court is directed to close the case.

SO ORDERED.

Dated: February **27**, 2017
Brooklyn, New York

s/Carol Bagley Amon

Carol Bagley Amon *O* /
United States District Judge